



The Commonwealth of Massachusetts
Motor Vehicle Insurance - Merit Rating Board
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MARY ANN MULHALL
DIRECTOR

TO: Massachusetts Merit Rating Liaisons

FROM: Mary Ann Mulhall, Director

DATE: February 23, 2009

RE: Notifying the Involved Operator of an At-Fault Accident Decision

NOTICE NO: 0030

In the Division of Insurance (DOI) Bulletin 2009-01 dated January 8, 2009, the Commissioner of Insurance has initiated new procedures for providing notices of At-Fault Accident decisions to involved operators or policyholders. These new procedures include two (2) new notice formats. One format is to notify the involved operator or policyholder that an accident has been determined to be at-fault. The other format is to notify the involved operator or policyholder that an at-fault accident decision has been reversed. These new DOI procedures require revisions to the Merit Rating Board (MRB) administrative procedures. The revised sections to the MRB administrative procedures are enclosed and are summarized below.

- 1.0 Section 3.6 Notifying the Involved Operator and Policyholder of an At-Fault Accident Decision.** Section 3.6 has been renamed and revised to include procedures for using the two (2) new notice formats. These new formats must be used if the At-Fault Accident claim was paid on or after April 1, 2009 under a policy with policy effective date on or after April 1, 2008.
- 2.0 Appendix U: Notice to Operator of an At-Fault Accident Report.** This new appendix contains the new At-Fault Accident Report format with data definitions.
- 3.0 Appendix V: Notice to Operator of an At-Fault Accident Report Reversal.** This new appendix contains the new At-Fault Accident Report Reversal format with data definitions.

4.0 Chapter 3.0 SDIP Claims. There are no changes to the general procedures for reporting claims to the MRB. There are no changes to the procedures in Sections 3.1, 3.2, 3.3, 3.4, 3.5, or 3.7. There are no changes to the record formats in Appendix C or Appendix D.

A new Standard of Fault Code has been added to Appendix J and Appendix J has been renamed. The new Standard of Fault Code = “32” may be used if the generally accepted standard of fault assigned to the at-fault incident by the insurer is not covered by one of the other Standard of Fault Codes and the at-fault accident claim was paid under a policy with policy effective date on or after April 1, 2008.

Enclosures:

Section 3.6 Notifying the Involved Operator and Policyholder of an At-Fault Accident Decision
Appendix J: Standard of Fault Codes
Appendix U: Notice to Operator of an At-Fault Accident Report
Appendix V: Notice to Operator of an At-Fault Accident Report Reversal

Section 3.6

Notifying the Involved Operator And Policyholder of an At-Fault Accident Decision

3.6.1 Notice of an At-Fault Accident Report.

The insurer shall notify the involved operator and the policyholder that an at-fault decision for a claim is being reported to the MRB because the operator of the vehicle was determined to be more than 50% at fault. Such notice shall contain all the information identified as required in the At-Fault Accident Report format in Appendix U if the At-Fault Accident claim was paid on or after April 1, 2009 under an insurance policy with policy effective date on or after April 1, 2008. The insurer also shall enclose a copy of the DOI Bill of Rights with this notice. Insurers must maintain records regarding At-Fault Accident decisions for at least three (3) years.

If the At-Fault Accident claim was paid before April 1, 2009 or the policy under which the claim was paid had an effective date before April 1, 2008, then this notice shall use the Surcharge Notice format in Appendix S.

3.6.2 Deadlines for Notification.

The SDIP Regulation 211 CMR 134.05: Notification of At-Fault Accidents contains the deadlines for notifying the involved operator and the policyholder that an accident has been determined to be an At-Fault Accident.

3.6.3 Undeliverable At-Fault Accident Reports.

The insurer must maintain records of any At-Fault Accident reports that cannot be delivered to an involved operator or to a policyholder.

3.6.4 Notice of an At-Fault Accident Report Reversal.

The insurer shall notify the involved operator and the policyholder of the reversal of an At-Fault Accident decision. This notice must use the At-Fault Accident Report Reversal format in Appendix V if the At-Fault Accident claim was paid on or after April 1, 2009 under an insurance policy with policy effective date on or after April 1, 2008.

If the At-Fault Accident claim was paid before April 1, 2009 or the policy under which the claim was paid had an effective date before April 1, 2008, then this notice must use the Surcharge Revocation format in Appendix T.

Appendix J: Standard of Fault Codes

01 Collision with a Lawfully or Unlawfully Parked Vehicle.

The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when operating a vehicle which is in collision with a lawfully or unlawfully parked vehicle. (This definition applies to surcharge notices issued on or after 07-01-95.)

The following definition for STANDARD OF FAULT 01 applies to surcharge notices issued from 01-01-87 through 06-30-95. It includes standards of fault represented by old Standard of Fault Codes 01 and 02: Collision With A Lawfully or Unlawfully Parked Vehicle. An operator of a vehicle subject to the Safe Driver Insurance Plan, which is in collision with a lawfully or unlawfully parked vehicle, shall be presumed to be at-fault in excess of 50%.

The following definitions apply to surcharge notices issued before 01-01-87:

OLD STANDARD OF FAULT 01: Collision With Lawfully Parked Vehicle. An operator of a vehicle subject to Merit Rating, which is in collision with a lawfully parked vehicle, shall be presumed to be at fault in excess of 50%.

OLD STANDARD OF FAULT 02: Collision With Unlawfully Parked Vehicle. An operator of a vehicle subject to Merit Rating, which is in collision with an unlawfully parked vehicle, shall be presumed to be at fault in excess of 50%.

03 Rear End Collision. The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when operating a vehicle that is in collision with the rear section of another vehicle. (This definition applies to surcharge notices issued on or after 07-01-95.)

The following definition for STANDARD OF FAULT 03 applies to surcharge notices issued from 01-01-87 through 06-30-95: Rear End Collision. An operator of a vehicle subject to the Safe Driver Insurance Plan, which is in collision with the rear of another vehicle, shall be presumed to be at fault in excess of 50%.

The following definition applies to surcharge notices issued before 01-01-87:

OLD STANDARD OF FAULT 03: Rear End Collision. An operator of a vehicle subject to Merit Rating, which is in collision with the rear of another vehicle, shall be presumed to be at fault in excess of 50%.

05 Out of Lane Collision. The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when operating a vehicle which is partially or completely out of its proper lane and is in collision with another vehicle: (a) while being passed by the other vehicle, the passing vehicle being in its proper lane; (b) while passing the other vehicle, the other vehicle being in its proper lane; or (c) while changing or turning into or across the other vehicle's lane. (This definition applies to surcharge notices issued on or after 07-01-95.)

Appendix J: Standard of Fault Codes (continued)

05 **Out of Lane Collision. (continued)**

The following definition for STANDARD OF FAULT 04 applies to surcharge notices issued from 01-01-87 through 06-30-95. It includes Standards of Fault represented by old Standard of Fault Codes 04, 05, 06, 09 and 23 Failure to Change Lanes With Caution. An operator of a vehicle subject to the Safe Driver Insurance Plan, which is in collision with another vehicle, (A) which is moving in the opposite direction, on the proper side of the center line, (B) while being passed by the other vehicle which passing vehicle is in its proper lane, or (C) while passing the other vehicle which other vehicle is in its proper lane, shall be presumed to be at fault in excess of 50%.

The following definitions apply to surcharge notices issued before 01-01-87:

OLD STANDARD OF FAULT 04: Collision While Passing. An operator of a vehicle subject to Merit Rating, which is in collision with another vehicle while passing the other vehicle, shall be presumed to be at fault in excess of 50%.

OLD STANDARD OF FAULT 05: Out of Lane Collision. An operator of a vehicle subject to Merit Rating, which, while not entirely within its own lane, is in collision with another vehicle, shall be presumed to be at fault in excess of 50%.

OLD STANDARD OF FAULT 06: Turn From an Improper Lane. An operator of a vehicle subject to Merit Rating, which, while turning from an improper lane, is in collision with another vehicle, shall be presumed to be at fault in excess of 50%.

OLD STANDARD OF FAULT 09: Failure to Stay on Right Side of Center Line. An operator of a vehicle subject to Merit Rating which is in collision with another vehicle which is moving in the opposite direction and is being operated on the proper side of the center line shall be presumed to be at fault in excess of 50%.

OLD STANDARD OF FAULT 23: Failure to Maintain Proper Lane. An operator of a vehicle subject to Merit Rating, which is in a collision with a passing vehicle which passing vehicle is in its proper lane, shall be presumed to be at fault in excess of 50%.

07 **Failure to Signal.** The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when operating a vehicle which is in collision while failing to signal as required by law before turning or changing lanes. (This definition applies to surcharge notices issued on or after 07-01-95).

The following definition for STANDARD OF FAULT 07 applies to surcharge notices issued from 01-01-87 through 06-30-95: Failure to Signal. An operator of a vehicle subject to the Safe Driver Insurance Plan who fails to make a signal required by law before turning, changing lanes, or decreasing speed and whose vehicle is in collision with another vehicle shall be presumed to be at fault in excess of 50%.

The following definition applies to surcharge notices issued before 01-01-87.

OLD STANDARD OF FAULT 07: Failure to Signal. An operator of a vehicle subject to Merit Rating who fails to make a signal required by law before turning, changing lanes, or decreasing speed and whose vehicle is in collision with another vehicle shall be presumed to be at fault in excess of 50%.

08 **Failure to Proceed with Due Caution from a Traffic Control Signal or Sign.** The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when the operator fails to obey a traffic control signal or sign, or fails to proceed with due caution there from, and whose vehicle is thereafter in a collision with another vehicle. (This definition applies to surcharge notices issued on or after 07-01-95.)

Appendix J: Standard of Fault Codes (continued)

08 Failure to Proceed with Due Caution from a Traffic Control Signal or Sign.
(continued)

The following definition for STANDARD OF FAULT 08 applies to surcharge notices issued from 01-01-87 through 06-30-95. It includes Standards of Fault represented by old Standard of Fault Codes 08 and 13. Failure to Proceed With Due Caution From A Traffic Control Signal or Sign. An operator of a vehicle subject to the Safe Driver Insurance Plan who fails to obey a traffic control signal or sign or fails to proceed with caution there from, and whose vehicle is in collision with another vehicle shall be presumed to be at fault in excess of 50%.

The following definitions apply to surcharge notices issued before 01-01-87:

OLD STANDARD OF FAULT 08: Failure to Obey a Traffic Signal or Sign. An operator of a vehicle subject to Merit Rating who fails to obey a yield sign, stop sign, flashing red light or other traffic sign or signal, and/or fails to proceed with caution there from, and whose vehicle is in collision with another vehicle shall be presumed to be at fault in excess of 50%.

OLD STANDARD OF FAULT 13: Failure to Obey a Traffic Control Signal or Sign. An operator of a vehicle subject to Merit Rating who fails to obey a traffic control signal or sign and whose vehicle is in collision with another vehicle shall be presumed to be at fault in excess of 50%.

09 Collision on Wrong Side of Road. The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when operating a vehicle which is in collision with another vehicle which is moving in the opposite direction on the proper side of the roadway or center line. (This definition applies to surcharge notices issued on or after 07-01-95.)

The following definition applies to surcharge notices issued before 01-01-87.

OLD STANDARD OF FAULT 09: Failure to Stay on Right Side of Center Line. An operator of a vehicle subject to Merit Rating which is in collision with another vehicle which is moving in the opposite direction and is being operated on the proper side of the center line shall be presumed to be at fault in excess of 50%.

10 Operating in the Wrong Direction. The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when operating a vehicle in the wrong direction on a travel lane, one-way street, or highway, and whose vehicle is thereafter in a collision with another vehicle. (This definition applies to surcharge notices issued on or after 07-01-95.)

The following definition for STANDARD OF FAULT 10 applies to surcharge notices issued from 01-01-87 through 06-30-95. STANDARD OF FAULT 10: Operating in the Wrong Direction. An operator of a vehicle subject to the Safe Driver Insurance Plan, which is being operated in the wrong direction on a one-way street, highway, or traffic lane, and is in collision with another vehicle, shall be presumed to be at fault in excess of 50%.

The following definition applies to surcharge notices issued before 01-01-87.

OLD STANDARD OF FAULT 10: Operating in the Wrong Direction on a One-Way Street. An operator of a vehicle subject to Merit Rating, which is in collision with another vehicle while being operated in the wrong direction on a one-way street, highway or traffic lane, shall be presumed to be at fault in excess of 50%.

Appendix J: Standard of Fault Codes (continued)

- 11 Collision at an Uncontrolled Intersection.** The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when operating a vehicle which is in collision with another vehicle at an uncontrolled intersection:

- (a) if the operator's vehicle enters a main road from a secondary road,
- (b) if both vehicles enter the intersection at the same time and such operator's vehicle entered the intersection from the left of the other vehicle, failing to allow the vehicle on the right to proceed, or
- (c) if the operator's vehicle enters the intersection at a point in time later than the other vehicle. (This definition applies to surcharge notices issued on or after 07-01-95.)

The following definition for STANDARD OF FAULT 11 applies to surcharge notices issued from 01-01-87 through 06-30-95. It includes Standards of Fault represented by old Standard of Fault Codes 11 and 12. Collision at an Uncontrolled Intersection. An operator of a vehicle subject to the Safe Driver Insurance Plan which is in collision with another vehicle at an uncontrolled intersection shall be presumed to be at fault in excess of 50% (A) if both vehicles entered the intersection at the same time, and such operator's vehicle entered the intersection from the left of the other vehicle, (B) if said operator's vehicle entered the intersection at a point in time later than the other vehicle, or (C) if said operator enters a main road from a secondary road.

The following definitions apply to surcharge notices issued before 01-01-87:

OLD STANDARD OF FAULT 11: Intersection Collision. An operator of a vehicle subject to Merit Rating which is in collision with another vehicle in an intersection, both vehicles having entered the intersection at the same time, shall be presumed to be at fault in excess of 50% if such operator's vehicle entered the intersection from the left of the other vehicle.

OLD STANDARD OF FAULT 12: Intersection Collision Involving Different Times of Entry. An operator of a vehicle subject to Merit Rating which is in collision with another vehicle in an intersection shall be presumed to be at fault in excess of 50% if such operator's vehicle entered the intersection at a point in time later than the other.

- 14 Collision While in the Process of Backing Up.** The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when operating a vehicle which is in the process of backing up and whose vehicle is thereafter in a collision with another vehicle. (This definition applies to surcharge notices issued on or after 07-01-95.)

The following definition for STANDARD OF FAULT 14 applies to surcharge notices issued from 01-01-87 through 06-30-95: Collision While Backing Up. An operator of a vehicle subject to the Safe Driver Insurance Plan, which, while backing up or while being operated in reverse gear, is in collision with another vehicle shall be presumed to be at fault in excess of 50%.

The following definition applies to surcharge notices issued before 01-01-87.

OLD STANDARD OF FAULT 14: Collision While Backing Up. An operator of a vehicle subject to Merit Rating, which, while backing up or being operated in reverse gear, is in collision with another vehicle, shall be presumed to be at fault in excess of 50%.

Appendix J: Standard of Fault Codes (continued)

- 15 Collision While Making a Left Turn or U-Turn Across the Travel Path of a Vehicle Traveling in the Same or Opposite Direction.** The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when operating a vehicle making a left turn or U-turn across the path of travel of another vehicle moving:
- (a) in the same direction, or
 - (b) in the opposite direction,
- and whose vehicle is in a collision with such vehicle. (This definition applies to surcharge notices issued on or after 07-01-95.)

The following definition for STANDARD OF FAULT 15 applies to surcharge notices issued from 01-01-87 through 06-30-95. It includes Standards of Fault represented by old Standard of Fault Codes 15 and 16. **Collision While Making a Left Turn or U-Turn Across the Path of Travel of Oncoming Vehicle.** An operator of a vehicle subject to the Safe Driver Insurance Plan, while making a legal or illegal U-turn across the path of travel of a vehicle moving in the opposite direction or while making a left turn across the path of travel of a vehicle moving in the opposite direction, and is in collision with such vehicle, shall be presumed to be at fault in excess of 50%.

The following definitions apply to surcharge notices issued before 01-01-87:

OLD STANDARD OF FAULT 15: Illegal U-Turn. An operator of a vehicle subject to Merit Rating, which, while making an illegal U-Turn is in a collision, shall be presumed to be at fault in excess of 50%.

OLD STANDARD OF FAULT 16: Left Turn Collision With Vehicle Moving in the Opposite Direction. An operator of a vehicle subject to Merit Rating, which, while making a left turn, is in collision with another vehicle that is moving in the opposite direction, shall be presumed to be at fault in excess of 50%.

- 17 Leaving or Exiting from a Parked Position, Parking Lot, Alley or Driveway.** The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when operating a vehicle which is leaving or exiting from a parked position, parking lot, alley or driveway, and whose vehicle is in a collision with another vehicle. (This definition applies to surcharge notices issued on or after 07-01-95.)

The following definition for STANDARD OF FAULT 17 applies to surcharge notices issued from 01-01-87 through 06-30-95: **Leaving or Exiting From a Parked Position, Parking Lot, Alley or Driveway.** An operator of a vehicle subject to the Safe Driver Insurance Plan, which, while leaving or exiting from a parked position, parking lot, alley, or driveway, is in a collision with another vehicle, shall be presumed to be at fault in excess of 50%.

The following definition applies to surcharge notices issued before 01-01-87.

OLD STANDARD OF FAULT 17: Leaving or Exiting from a Parked Position, Parking Lot, Alley, or Driveway.

An operator of a vehicle subject to Merit Rating, which, while leaving or exiting from a parked position, parking lot, alley, or driveway, is in a collision, shall be presumed to be at fault in excess of 50%.

Appendix J: Standard of Fault Codes (continued)

- 18 Opened or Opening Vehicle Door(s).** The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when the vehicle's door or doors are opened or opening resulting in a collision with another vehicle. (This definition applies to surcharge notices issued on or after 07-01-95.)

The following definition for STANDARD OF FAULT 18 applies to surcharge notices issued from 01-01-87 through 06-30-95: Vehicle Doors Opening. An operator of a vehicle subject to the Safe Driver Insurance Plan whose door or doors are opened, opening, or closing, thereby resulting in a collision with another vehicle shall be presumed to be at fault in excess of 50%.

The following definition applies to surcharge notices issued before 01-01-87.

OLD STANDARD OF FAULT 18: Vehicle Doors Opened, Opening or Closing. An operator of a vehicle subject to Merit Rating whose door or doors are opened, opening, or closing, thereby resulting in a collision shall be presumed to be at fault in excess of 50%.

- 19 Single Vehicle Collision.** The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when operating the only vehicle involved in a collision. (This definition applies to surcharge notices issued on or after 07-01-95.)

The following definition for STANDARD OF FAULT 19 applies to surcharge notices issued from 01-01-87 through 06-30-95: Single Vehicle Collision. An operator of a vehicle subject to the Safe Driver Insurance Plan, which is the only vehicle in an accident, shall be presumed to be at fault in excess of 50%.

The following definition applies to surcharge notices issued before 01-01-87.

OLD STANDARD OF FAULT 19: Single Vehicle Collision. An operator of a vehicle subject to Merit Rating, which is the only vehicle in an accident, shall be presumed to be at fault in excess of 50%.

- 20 Failure to Obey the Rules and Regulations for Driving.** The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when the operator violates any provision of M.G.L. Chapters 85, 89 or 90, or fails to obey the following regulations: the Metropolitan District Commission (350 CMR), Registry of Motor Vehicles (540 CMR), MA Department of Highways (720 CMR), MA Turnpike Authority (730 CMR), or MA Port Authority (740 CMR), and whose vehicle is in a collision with another vehicle. (This definition applies to surcharge notices issued on or after 07-01-95.)

The following definition for STANDARD OF FAULT 20 applies to surcharge notices issued from 01-01-87 through 06-30-95. It includes Standards of Fault represented by old Standard of Fault Codes 20, 22, 24, 25, 27, 28 and 29. STANDARD OF FAULT 20: Failure to Obey the Rules and Regulations for Driving on State Highways. An operator of a vehicle subject to the Safe Driver Insurance Plan who fails to obey the Rules and Regulations for driving on State Highways, as adopted by the Department of Public Works, or who violates any provision of *M.G.L. Chapters 85, 89, or 90* and whose vehicle is in a collision shall be presumed to be at fault in excess of 50%.

The following definitions apply to surcharge notices issued before 01-01-87:

OLD STANDARD OF FAULT 20: Failure to Use Caution When View is Obstructed. An operator of a vehicle subject to Merit Rating who does not slow down and keep to the right when his or her view is obstructed, and whose vehicle is in a collision shall be presumed to be at fault in excess of 50%.

Appendix J: Standard of Fault Codes (continued)

20 Failure to Obey the Rules and Regulations for Driving. (continued)

OLD STANDARD OF FAULT 22: Failure to Display Required Lights. An operator of a vehicle subject to Merit Rating, which does not display lights as required by Section 15 of Chapter 85 of the General Laws and is in a collision, shall be presumed to be at fault in excess of 50%.

OLD STANDARD OF FAULT 24: Preventing the Safe Re-Entry of a Passing Vehicle. An operator of a vehicle subject to Merit Rating, which is in collision with another vehicle while preventing the other vehicle's safe re-entry into the operator's lane because such operator increased his or her speed, shall be presumed to be at fault in excess of 50%.

OLD STANDARD OF FAULT 25: Failure to Stop for School Bus or Camp Bus. An operator of a vehicle subject to Merit Rating who fails to stop for a school bus or camp bus and is in a collision shall be presumed to be at fault in excess of 50%.

OLD STANDARD OF FAULT 27: Failure to Obey the Rules and Regulations for Driving on State Highways. An operator of a vehicle subject to Merit Rating who fails to obey the Rules and Regulations for driving on State Highways, as adopted by the Department of Public Works in accordance with the provisions of Section 2 of Chapter 85 of the General Laws and whose vehicle is involved in a collision shall be presumed to be at fault in excess of 50%.

OLD STANDARD OF FAULT 28: Violation of Chapters 85, 89, or 90 of the General Laws. An operator of a vehicle subject to Merit Rating who violates any provisions of Chapters 85, 89 or 90 of the General Laws and whose vehicle is in a collision shall be presumed to be at fault in excess of 50%.

OLD STANDARD OF FAULT 29: Failure to Give Right of Way to Emergency Vehicles. An operator of a vehicle subject to Merit Rating who does not give the right-of-way to emergency vehicles as required by Section 7 of Chapter 89 of the General Laws and whose vehicle is in a collision shall be presumed to be at fault in excess of 50%.

21 Unattended Vehicle Collision. The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when the vehicle is left unattended and rolls resulting in a collision. (This definition applies to surcharge notices issued on or after 07-01-95.)

The following definition for STANDARD OF FAULT 21 applies to surcharge notices issued from 01-01-87 through 06-30-95: Unattended Vehicle in Downward Grade Collision. An operator of a vehicle subject to the Safe Driver Insurance Plan whose vehicle is left unattended and rolls down a grade and is in a collision shall be presumed to be at fault in excess of 50%.

The following definition applies to surcharge notices issued before 01-01-87.

OLD STANDARD OF FAULT 21: Unattended Vehicle in Downward Grade Collision. An operator of a vehicle subject to Merit Rating whose vehicle is left unattended and rolls down a grade and is in a collision shall be presumed to be at fault in excess of 50%.

26 Collision While Merging onto a Highway, or into a Rotary. The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when operating a vehicle merging onto a highway, or into a rotary, when the other vehicle is already on the highway, or in the rotary, resulting in a collision. (This definition applies to surcharge notices issued on or after 07-01-95.)

Appendix J: Standard of Fault Codes (continued)

26 Collision While Merging onto a Highway or into a Rotary (continued)

The following definition for STANDARD OF FAULT 26 applies to surcharge notices issued from 01-01-87 through 06-30-95. STANDARD OF FAULT 26: Collision Occurring at the Intersection of Highways or in a Rotary. An operator of a vehicle subject to the Safe Driver Insurance Plan, which is in collision with another vehicle upon entering a highway or rotary while the other vehicle is already on the highway or in the rotary, shall be presumed to be at fault in excess of 50%.

The following definition applies to surcharge notices issued before 01-01-87.

OLD STANDARD OF FAULT 26: Collision Occurring at the Intersection of Arterial Highways. An operator of a vehicle subject to Merit Rating which is in collision with another vehicle, said other vehicle being on an arterial highway, while the operator's vehicle is approaching from another highway shall be presumed to be at fault in excess of 50%.

27 Non-Contact Operator Causing Collision. The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when operating a vehicle which is not in a collision, but whose actions cause the collision of one or more other vehicles. (This definition applies to surcharge notices issued on or after 07-01-95.)

The following definition for STANDARD OF FAULT 27 applies to surcharge notices issued from 01-01-87 through 06-30-95: Collision Occurs Through Fault of Operator. An operator of a vehicle subject to the Safe Driver Insurance Plan whose actions cause the collision of another vehicle(s), but whose vehicle is not in the collision, shall be presumed to be at fault in excess of 50%.

The following definition applies to surcharge notices issued before 01-01-87.

OLD STANDARD OF FAULT 27: Failure to Obey the Rules and Regulations for Driving on State Highways. An operator of a vehicle subject to Merit Rating who fails to obey the Rules and Regulations for driving on State Highways, as adopted by the Department of Public Works in accordance with the provisions of Section 2 of Chapter 85 of the General Laws and whose vehicle is involved in a collision shall be presumed to be at fault in excess of 50%.

29 Failure to Yield the Right of Way to Emergency Vehicles when Required by Law. The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when the operator fails to yield the right of way to emergency vehicles (as required by M.G.L. c. 89, § 7) resulting in a collision. (This definition applies to surcharge notices issued on or after 07-01-95.)

The following definition applies to surcharge notices issued before 01-01-87.

OLD STANDARD OF FAULT 29: Failure to Give Right of Way to Emergency Vehicles. An operator of a vehicle subject to Merit Rating who does not give the right-of-way to emergency vehicles as required by Section 7 of Chapter 89 of the General Laws and whose vehicle is in a collision shall be presumed to be at fault in excess of 50%.

Appendix J: Standard of Fault Codes (continued)

31 Collision at a "T" Intersection.

The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when operating a vehicle coming from a roadway that terminates onto a throughway and whose vehicle is in a collision with another vehicle traveling on that intersecting throughway. (This definition applies to surcharge notices issued on or after 07-01-95.)

NONE Failure to Report an Accident to Police When Required by Law. (This Standard of Fault does not apply to incidents that occurred on or after 01-01-87.)

The following definition applies to incidents that occurred before 01-01-87.

OLD STANDARD OF FAULT 30: An operator of a vehicle subject to Merit Rating who fails to report in writing to the police within forty-eight (48) hours if his or her vehicle is struck by another vehicle, which unlawfully leaves the scene of the accident, shall be subject to a surcharge.

32 Other Generally Accepted Standard of Fault Assigned by Insurer.

This Standard of Fault Code may be used by the insurer in the situation where the operator of the vehicle is more than 50% at fault, and the Standard of Fault is a generally accepted standard of fault that is not covered by one of the other Standard of Fault Codes. (This Standard of Fault Code may be assigned by the insurer only for an at-fault accident claim paid under a policy issued or renewed with policy effective date on or after 04-01-2008.)

Appendix U: NOTICE TO OPERATOR OF AN AT-FAULT ACCIDENT REPORT

NOTICE TO OPERATOR OF AN AT-FAULT ACCIDENT REPORT

The _____ (1) _____ Insurance Company (“____(2)____”) is providing this notice to inform you that an at-fault accident decision for a claim recently paid by “____(3)____” is being reported to the Merit Rating Board based on our determination that as the operator of the vehicle, you were more than 50% at fault for the accident described below. This at-fault accident may affect the cost of your auto insurance in the future.

OPERATOR INFORMATION*				
Name:	(4)*			
Address:	(5)*			
City/State:	(6)*			
Zip Code:	(7)*			
Operator's Licensing State:	(8)*			
ACCIDENT INFORMATION*				
Accident Date	Claim Date	State	Policy Number	Claim Number
(9)*	(10)*	(11)*	(12)*	(13)*
POLICYHOLDER INFORMATION (* only if different from the operator information)				
Name:	(14)*			
Address:	(15)*			
City/State:	(16)*			
Zip Code:	(17)*			
Policyholder's Licensing State:	(18)*			

If you were not the operator of the vehicle involved in the accident described above, or if you believe you were not more than 50% at fault in this accident, or the operator's mailing address is different from the address shown above, please contact us within 30 days of this notice at:

(Title of Company Representative (19)*)
 (Telephone Number of Company Representative (20)*)
 (Insurance Company Name (21)*)
 (Insurance Company Address (22)*)
 (Insurance Company Phone (23)*) (Insurance Company Website (24)*)

*You have the right to request an additional review by one of our claims managers of our determination that you were more than 50% at fault in this accident. We must complete this additional review within 30 days of our receipt of your request.

*** INDICATES REQUIRED CONTENT OF NOTICE TO OPERATOR**

Appendix U: Notice to Operator of an At-Fault Accident Report (continued)
Data Definitions

Field
Number

- 1 Insurance Company Name.** This field contains the insurance company name of the insurer that issues the At-Fault Accident Report.
- 2 (Abbreviated Insurance Company Name).** This field contains the abbreviated insurance company name of the insurer that issues the At-Fault Accident Report.
- 3 Abbreviated Insurance Company Name.** This field contains the abbreviated insurance company name of the insurer that issues the At-Fault Accident Report.
- 4 Operator Information: Name.** This field contains the full name of the operator involved in the accident. When completing the name, do not omit “Jr.”, “Sr.”, “II”, etc. If the vehicle was unattended and involved in a downward grade collision, identify the person who last operated the vehicle.
- 5 Operator Information: Address.** This field contains the street address of the operator involved in the accident.
- 6 Operator Information: City/State.** This field contains the address city and state of the operator involved in the accident.
- 7 Operator Information: Zip Code.** This field contains the address zip code of the operator involved in the accident.
- 8 Operator Information: Operator’s Licensing State.** This field identifies the state, territory, country, or Canadian province that issued the operator’s driver license.
- 9 Accident Information: Accident Date.** This field contains the date the accident occurred.
- 10 Accident Information: Claim Date.** This field contains the date the loss amount for the accident was paid.
- 11 Accident Information: State.** This field identifies the state, territory, country, or Canadian province where the accident occurred.

Appendix U: Notice to Operator of an At-Fault Accident Report (continued)
Data Definitions

Field
Number

- 12 Accident Information: Policy Number.** This field contains the Policy Number by which the policy may be referenced in insurance company files.
- 13 Accident Information: Claim Number.** This field contains the Claim Identification Number by which the claim may be referenced in insurance company files.
- 14 Policyholder Information: Name.** This field contains the full name of the policyholder if the policyholder is not the involved operator. When completing the name, do not omit “Jr.”, “Sr.”, “II”, etc. Enter the value “SAME” in this space if the policyholder is the involved operator.
- 15 Policyholder Information: Address.** This field contains the street address, for the policyholder.
- 16 Policyholder Information: City/State.** This field contains the address city and state of the policyholder.
- 17 Policyholder Information: Zip Code.** This field contains the address zip code of the policyholder.
- 18 Policyholder Information: Policyholder’s Licensing State.** This field identifies the state, territory, country, or Canadian province that issued the policyholder’s driver license.
- 19 Title of Company Representative.** This field contains the title of the insurance company representative responsible for receiving questions, complaints, or requests for an additional review of the at-fault determination.
- 20 Telephone Number of Company Representative.** This field contains the telephone number and extension of the insurance company representative responsible for receiving questions, complaints, or requests for an additional review of the at-fault determination.
- 21 Insurance Company Name.** This field contains the name of the insurance company responsible for receiving questions, complaints, or requests for an additional review of the at-fault determination.

Appendix U: Notice to Operator of an At-Fault Accident Report (continued)
Data Definitions

Field
Number

- 22 Insurance Company Address.** This field contains the mailing address, including city, state, and zip code, of the insurance company responsible for receiving questions, complaints, or requests for an additional review of the at-fault determination.
- 23 Insurance Company Phone.** This field contains the general telephone number of the insurance company.
- 24 Insurance Company Website.** This field contains insurance company website.

Appendix V: NOTICE TO OPERATOR OF AN AT-FAULT ACCIDENT REPORT REVERSAL

NOTICE TO OPERATOR OF AN AT-FAULT ACCIDENT REPORT REVERSAL

The _____(1)_____ Insurance Company (“____(2)____”) is providing this notice to inform you that we have notified the Merit Rating Board to reverse the at-fault accident decision described in this notice that was previously reported to them because we have received additional information that indicates that, as the operator of the vehicle, you were not more than 50% at fault for the accident.

OPERATOR INFORMATION*				
Name:	(3)*			
Address:	(4)*			
City/State:	(5)*			
Zip Code:	(6)*			
Operator's Licensing State:	(7)*			
ACCIDENT INFORMATION*				
Accident Date	Claim Date	State	Policy Number	Claim Number
(8)*	(9)*	(10)*	(11)*	(12)*
POLICYHOLDER INFORMATION (* only if different from operator information)				
Name:	(13)*			
Address:	(14)*			
City/State:	(15)*			
Zip Code:	(16)*			
Policyholder's Licensing State:	(17)*			

If you have any questions concerning this notice, please contact us at:

(Title of Company Representative (18)*)
 (Telephone Number of Company Representative (19)*)
 (Insurance Company Name (20)*)
 (Insurance Company Address (21)*)
 (Insurance Company Phone (22)*) (Insurance Company Website (23)*)

*** INDICATES REQUIRED CONTENT OF NOTICE TO OPERATOR.**

Appendix V: Notice to Operator of an At-Fault Accident Report Reversal (continued)
Data Definitions

Field
Number

- 1 Insurance Company Name.** This field contains the insurance company name of the insurer that reversed the At-Fault Accident.
- 2 (Abbreviated Insurance Company Name).** This field contains the abbreviated insurance company name of the insurer that reversed the At-Fault Accident.
- 3 Operator Information: Name.** This field contains the full name of the operator involved in the accident as shown on the original At-Fault Accident Report.
- 4 Operator Information: Address.** This field contains the street address of the operator involved in the accident as shown on the original At-Fault Accident Report.
- 5 Operator Information: City/State.** This field contains the address city and state of the operator involved in the accident as shown on the original At-Fault Accident Report.
- 6 Operator Information: Zip Code.** This field contains the address zip code of the operator involved in the accident as shown on the original At-Fault Accident Report.
- 7 Operator Information: Operator's Licensing State.** This field identifies the state, territory, country, or Canadian province that issued the operator's driver license as shown on the original At-Fault Accident Report.
- 8 Accident Information: Accident Date.** This field contains the date the accident occurred as shown on the original At-Fault Accident Report.
- 9 Accident Information: Claim Date.** This field contains the date the loss amount for the accident was paid as shown on the original At-Fault Accident Report.
- 10 Accident Information: State.** This field identifies the state, territory, country, or Canadian province where the accident occurred as shown on the original At-Fault Accident Report.

Appendix V: Notice to Operator of an At-Fault Accident Report Reversal (continued)
Data Definitions

Field
Number

- 11 Accident Information: Policy Number.** This field contains the Policy Number as shown on the original At-Fault Accident Report.
- 12 Accident Information: Claim Number.** This field contains the Claim Identification Number as shown on the original At-Fault Accident Report.
- 13 Policyholder Information: Name.** This field contains the full name of the policyholder if the policyholder is not the involved operator or “SAME” as shown on the original At-Fault Accident Report.
- 14 Policyholder Information: Address.** This field contains the street address, for the policyholder as shown on the original At-Fault Accident Report.
- 15 Policyholder Information: City/State.** This field contains the address city and state of the policyholder as shown on the original At-Fault Accident Report.
- 16 Policyholder Information: Zip Code.** This field contains the address zip code of the policyholder as shown on the original At-Fault Accident Report.
- 17 Policyholder Information: Policyholder’s Licensing State.** This field identifies the state, territory, country, or Canadian province that issued the policyholder’s driver license as shown on the original At-Fault Accident Report.
- 18 Title of Company Representative.** This field contains the title of the insurance company representative responsible for receiving questions or complaints about this at-fault accident reversal.
- 19 Telephone Number of Company Representative.** This field contains the telephone number and extension of the insurance company representative responsible for receiving questions or complaints about this at-fault accident reversal.
- 20 Insurance Company Name.** This field contains the name of the insurance company responsible for receiving questions or complaints about this at-fault accident reversal.

Appendix V: Notice to Operator of an At-Fault Accident Report Reversal (continued)
Data Definitions

Field
Number

- 21 Insurance Company Address.** This field contains the mailing address, including city, state, and zip code, of the insurance company responsible for receiving questions or complaints about this at-fault accident reversal.
- 22 Insurance Company Phone.** This field contains the general telephone number of the insurance company.
- 23 Insurance Company Website.** This field contains the insurance company website.